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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 LESLIE WYN BOWDEN,

12 Plaintiff,

13 v.

14 CHRISTINE O. GREGOIRE, *et al*,

15 Defendants.  
16

Case No. C08-5516FDB-KLS

ORDER REGARDING  
PLAINTIFF'S REQUEST FOR  
APPOINTMENT OF ASSISTANT  
ATTORNEY GENERAL

17 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §  
18 636(b)(1), Local Rules MJR 3 and 4, and Federal Rule of Civil Procedure 72. The case is before the  
19 Court on plaintiff's filing of a request for the appointment of an Assistant Attorney General to assist him  
20 in the prosecution of his case. (Dkt. #32). After reviewing plaintiff's request and the balance of the  
21 record, the Court finds and orders as follows:

22 First, it must be noted that plaintiff has not properly noted his request as a motion. Second, that  
23 request is entirely without merit. Plaintiff states he has been unable to obtain private legal representation  
24 in this matter. As such, he states he must request the assistance of an Assistant Attorney General so that  
25 he can effectively prosecute this case. However, plaintiff has made no showing that the Washington State  
26 Attorney General's Office is legally obligated to provide him with counsel. Indeed, that office typically  
27 only provides legal representation to state agencies and officials.

28 Nor has plaintiff shown he is entitled to appointment of legal counsel at government expense here.

1 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. While the court,  
2 under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, it  
3 may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir.  
4 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th  
5 Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of  
6 success on the merits and the ability of plaintiff to articulate his claims *pro se* in light of the complexity of  
7 the legal issues involved. Wilborn, 789 F.2d at 1331.

8 Plaintiff has not established the existence of exceptional circumstances here, such as a likelihood  
9 of success on the merits or an inability to articulate his claims *pro se*. Indeed, plaintiff has been able to  
10 file numerous legal pleadings and other documents on his own behalf. Finally, the legal issues involved  
11 in this matter are not necessarily so complex that he cannot continue to do so. For the foregoing reasons,  
12 therefore, plaintiff's request for the appointment of an Assistant Attorney General to assist him in the  
13 prosecution of his case (Dkt. #32) hereby is DENIED.

14 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

15 DATED this 10th day of February, 2009.

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19 Karen L. Strombom  
20 United States Magistrate Judge  
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